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European Agreement supplementing the 1968 Convention on Road Traffic (1971)

Consistency between the 1971 European Supplement to the Convention on Road Traffic (1968) and Vehicle Technical Regulations

Submitted by the Governments of Austria, Belgium, France, Germany and Italy

1. This document proposes amendments (indicated in bold text) to the Annex of the 1971 European Supplement to the 1968 Convention on Road Traffic to include systems which influence the way vehicles are driven and to take account of recent technical developments.

2. Separate documents introduce the equivalent amendment proposals to the 1949 Convention on Road Traffic and the 1968 Convention on Road Traffic.

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I. Annex of the European Agreement supplementing the 1968 Convention on Road Traffic

Ad Article 8 of the Convention (Drivers)

Paragraph 2

This paragraph shall be read as follows:

"Domestic legislation must provide that pack, draught or saddle animals, and, except in such special areas as may be marked at their entrances, cattle, singly or in herds, or flocks, shall have a driver able to guide the animals at all times".

Paragraph 5

This paragraph shall be read as follows:

"Every driver shall have his vehicle under control so as to be able to exercise due and proper care at all times. He shall be acquainted with the road traffic and safety regulations, and be aware of the factors which may affect his behaviour such as fatigue, taking of medication and driving under the influence of alcohol and drugs".

(a) Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with the first sentence of this paragraph and with paragraph 1 of Article 13, when they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.[1]

(b) Vehicle systems which influence the way vehicles are driven and are not in conformity with the aforementioned conditions of construction, fitting and utilization, shall be deemed to be in conformity with the first sentence of this paragraph and with paragraph 1 of Article 13, when such systems can be overridden or switched off by the driver".

Additional paragraph to be inserted immediately after paragraph 5 of this Article

This paragraph shall be read as follows:

"Domestic legislation shall establish specific provisions concerning driving under the influence of alcohol and determine a legal blood-alcohol level and, if appropriate, a legal breath-alcohol level, incompatible with driving a vehicle. Under domestic legislation, the maximum alcohol level shall in no case exceed 0.50 g per litre of pure alcohol in the blood or 0.25 mg per litre in the air expelled".

[1] **The UN Regulations annexed to the "Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions" done at Geneva on 20 March 1958.**

The UN Regulations annexed to the "Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions" done at Geneva on 20 March 1958.

II. Justification by the Governments of Austria, Belgium, France, Germany and Italy

1. Drivers' skills vary substantially; human failure is by far the predominant cause of traffic accidents.

2. Vehicle systems such as Driver Assistance Systems support the driver in their driving task. They also may influence the way vehicles are driven. Thereby, they have the potential to take immediate beneficiary influence on road safety or to do the same by reducing drivers' workload.

3. Yet, in the recent past, technical developments have given rise to doubt and uncertainties whether all vehicle systems available today are in concordance / consistent with traffic regulations. The suggested amendment resolves this concern.

4. Keeping the driver in a superior role is a guiding principle of road traffic regulations. Therefore, overrideability as well as the possibility for the driver to switch systems off ensure that the driver's will is put forth.

5. Nevertheless there may be such vehicle systems which do – temporarily or constantly – not allow for overriding their interventions at any time or for switching them off completely, e.g. brake assist, a system which supports the driver in an emergency brake situation by applying – in case of an emergency braking manoeuvre – the maximum braking deceleration. Such system design may be rooted in the fact that a driver might not show appropriate actions or reactions in a potentially dangerous driving situation leading to the effect that the vehicle system would be prevented from deploying its full benefit for road traffic safety. Moreover, dangerous driving situations are imaginable which the driver might even aggravate by trying to override a vehicle system's intervention (e.g. by overriding / aborting an emergency braking intervention or by overriding / aborting an emergency swerving intervention). Such vehicle systems – even though they may possibly be not overrideable at any time or even though they may not be switched off completely – may help the driver to maintain his vehicle under control in dangerous driving situations. Therefore vehicle systems shall be deemed to be in conformity with the principles mentioned in Art. 8 [paragraphs 1 and] 5 and Art. 13 paragraph 1 of the Vienna Convention on Road Traffic (1968) if they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts, in particular the regulations annexed to the Geneva Agreements of 1958 and 1998.

6. The driver's obligation to monitor and control any kind of action taken by a vehicle system is addressed by the guiding principle underlying all road traffic rules. The systems are not designed to overrule decisions taken by sane, accountable drivers.